

EXHIBIT A

Berger, Mitchell

From: Yalowitz, Kent A. <Kent.Yalowitz@arnoldporter.com>
Sent: Wednesday, June 9, 2021 9:22 AM
To: Berger, Mitchell
Cc: Kedem, Allon; Phillips, Dirk; Wirth, Stephen K.; Russell, David; Baloul, Gassan A.
Subject: [EXT] RE: Sokolow v. PLO, No. 04 Civ. 394 (GBD)

Dear Mitch,

Thank you for your kind wishes.

As previously stated, we oppose Defendant's proposed one-page letter with its 25-page attachment as an unauthorized, improper attempt to evade the five-page limit that Judge Daniels imposed on you for additional briefing.

We will seek an appropriate remedy should Defendants proceed as you have described.

Best,

Kent

Kent Yalowitz

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From: Berger, Mitchell <mitchell.berger@squirepb.com>
Sent: Wednesday, June 9, 2021 9:05 AM
To: Yalowitz, Kent A. <Kent.Yalowitz@arnoldporter.com>
Cc: Kedem, Allon <Allon.Kedem@arnoldporter.com>; Phillips, Dirk <Dirk.Phillips@arnoldporter.com>; Wirth, Stephen K. <Stephen.Wirth@arnoldporter.com>; Russell, David <David.Russell@arnoldporter.com>; Baloul, Gassan A. <gassan.baloul@squirepb.com>
Subject: RE: Sokolow v. PLO, No. 04 Civ. 394 (GBD)

External E-mail

Dear Kent,

I hope that all goes smoothly with the medical procedure involving one of your children. Nothing is more important than that.

Defendants cannot be in a position where Plaintiffs block their communications with the Court about pertinent developments in the related *Fuld* litigation. Plaintiffs observed no such constraint when they unilaterally advised Judge Daniels of Judge Furman's May 6 order in *Fuld*

(Dkt. #1026), even though Judge Daniels' advance-notice requirement for Court submissions has been in place in this case since at least 2015.

Accordingly, while Defendants will defer for now in submitting their five-page letter to the Court, they will advise the Court about their supplemental PSJVTa brief in *Fuld* along the lines of the one-page letter we sent you yesterday.

Regards,

Mitch

Mitchell R. Berger

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From: Yalowitz, Kent A. <Kent.Yalowitz@arnoldporter.com>

Sent: Tuesday, June 8, 2021 3:21 PM

To: Berger, Mitchell <mitchell.berger@squirepb.com>

Cc: Kedem, Allon <Allon.Kedem@arnoldporter.com>; Phillips, Dirk <Dirk.Phillips@arnoldporter.com>; Wirth, Stephen K. <Stephen.Wirth@arnoldporter.com>; Russell, David <David.Russell@arnoldporter.com>; Baloul, Gassan A. <gassan.baloul@squirepb.com>

Subject: [EXT] Re: Sokolow v. PLO, No. 04 Civ. 394 (GBD)

Mitch,

Thank you for your note. Judge Daniels ordered simultaneous letters. You cannot expect a response in 24 hours after taking three weeks to prepare a letter. We will do our best to send you our letter next week. Our response will be delayed by several professional and personal obligations on my part, including four depositions between now and Monday and a medical procedure of one of my children that I must attend next week as well.

In addition, I must tell you that citing page references to your 25-page brief is also too cute and too clever by half—fundamentally no different than attaching it to a one-page letter. It is an evasion of Judge Daniels' order, and if you insist on attempting to evade the order we will seek appropriate relief.

Best,

Kent

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On Jun 8, 2021, at 1:56 PM, Berger, Mitchell <mitchell.berger@squirepb.com> wrote:

External E-mail

Dear Kent,

Thanks for your prompt response.

It is perfectly ridiculous to suggest that there is something improper in our alerting Judge Daniels to Defendants' PSJVTA brief in *Fuld*, when the *Sokolow* Plaintiffs, the Department of Justice, and the general public already know about that brief, and when Judge Daniels has a right to know what is occurring in parallel proceedings addressing the same issues pending before him. We certainly intend to inform Judge Daniels of Defendants' supplemental PSJVTA brief in *Fuld*, whose filing was mandated by the May 6 order from Judge Furman that you previously submitted to Judge Daniels.

Given your preference that Defendants submit a five-page letter as Judge Daniels invited, rather than the one-page letter we sent you, attached is Defendants' five-page letter. We plan to submit it to Judge Daniels not later than tomorrow, so please let us know promptly when and how Plaintiffs plan to respond.

Regards,

Mitch

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From: Yalowitz, Kent A. <Kent.Yalowitz@arnoldporter.com>
Sent: Tuesday, June 8, 2021 11:33 AM
To: Berger, Mitchell <mitchell.berger@squirepb.com>
Cc: Kedem, Allon <Allon.Kedem@arnoldporter.com>; Phillips, Dirk <Dirk.Phillips@arnoldporter.com>; Wirth, Stephen K. <Stephen.Wirth@arnoldporter.com>; Russell, David <David.Russell@arnoldporter.com>; Baloul, Gassan A. <gassan.baloul@squirepb.com>
Subject: [EXT] RE: Sokolow v. PLO, No. 04 Civ. 394 (GBD)

Dear Mitch,

We oppose your request as an unauthorized, improper attempt to evade the strict five-page limit that Judge Daniels imposed on you for additional briefing. Judge Furman already reprimanded you for filing briefs in other cases to get around page limits, and so you obviously know it is improper to include briefs from one case in the record of another case. In addition, judicial notice is a method of establishing adjudicative facts, and your brief in *Fuld* is not an adjudicative fact, so the request is obviously improper.

If you have new things to say that were not in your 60-page brief, you should say them in 5 pages, as Judge Daniels instructed you to do.

Please include the text of this email in any request you make to Judge Daniels.

Best,

Kent

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Cc: Baloul, Gassan A. <gassan.baloul@squirepb.com>
Subject: Sokolow v. PLO, No. 04 Civ. 394 (GBD)

External E-mail

Dear Kent,

We hope this note finds you well.

Pursuant to Judge Daniels' requirement that the parties notify each other in advance of planned submissions, attached is a letter that we plan to file by COB today asking Judge Daniels to take judicial notice of the brief Defendants filed yesterday in the *Fuld* litigation. If you plan to respond to our letter, please let us know promptly.

Regards,

Mitch

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